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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,022

Applicant(s)

OKUDA, TATSUO

Examiner

TUAN HO

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11,21,22,32 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-9,12-20,23-31 and 34-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2612

1. Applicant's arguments filed 2/19/04 have been fully considered but they are not persuasive.

With regard to claims 1, 12, 23, and 34-36, Applicant argues that the Akihiro reference does not disclose a cover member that is generally planar. In response to the arguments, the examiner takes a broader interpretation and notes that Akihiro discloses cover device 2 that includes a back panel used to cover LCD panel 7 as shown in Figs. 4 and 8; where the back panel is a two-dimensional flat panel and lying on a plane parallel to LCD panel 7.

For the above reasons, the rejection is repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4-8, 12-13, 15-19, 23-24, 26-30, and 34-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Akihiro (JP 11-160775).

Art Unit: 2612

With regard to claim 1, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the camera body (camera main part 1, [0017]), optical system (pickup lens section 4 is located on the front of the main part 1), display device (monitor 7 is disposed on the rear of main part 1), and first cover device including a cover member (covering member 2 includes a back panel that is used to cover LCD panel 8 as shown in Figs. 4 and 8; where the back panel is a two-dimensional flat panel and lying in a plane parallel to the LCD panel).

With regard to claim 2, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the first cover device including a cover member (the back cover of cover member 2 comprises a cover panel that is slidable between open and closed positions by moving the cover member 2).

With regard to claim 4, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the first cover member is configured to actuate a power switch to the camera (when member 2 is pulled out to a an opening position, the back cover is also moved and an electric power switch is turned on, [0022]).

With regard to claim 5, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the

Art Unit: 2612

second cover (cover member 2 includes a front cover that is used to cover lens section 6 as shown in Fig. 7).

With regard to claim 6, Akihiro discloses in Figs. 8-11 [0025], an electronic digital camera that comprises the second cover device including a cover member (the front cover of cover member 2 comprises a cover panel that is slidable between open and closed positions by moving the cover member 2).

With regard to claim 7, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the second cover member is configured to actuate a power switch to the camera (when member 2 is pulled out to a an opening position, the front cover is also moved and an electric power switch is turned on, [0022]).

With regard to claim 8, Akihiro discloses in Figs. 8-11 (section 0025), an electronic digital camera that comprises the first and second covers device are mechanically connected and simultaneously actuated (member 2 includes a side panel that connects the front and back cover; and when member 2 is moved between open and closed positions, the front and back cover are simultaneously moved as shown in Fig. 10).

With regard to claim 12, Akihiro discloses in Fig. 8-11 (section 0025), an electronic digital camera that comprises the

Art Unit: 2612

means for covering the display device (cover member 2 includes back panel that is used to cover the LCD panel 8).

Claims 13 and 15-19 correspond to claims 2 and 4-8 and are analyzed the same as discussed with respect to claims 2 and 4-8.

Method claims 23-24, and 26-20 correspond to apparatus claims 1, 2, and 4-8 and are analyzed the same with respect to apparatus claims 1, 2, and 4-8.

With regard to claims 34 and 35, claims 34 and 35 recite what was discussed with respect to claim 1. Noted that the claimed "a display device positioned on a top of said camera body" is interpreted as the display device is positioned at one vertical side of the camera body so that when the camera is held in a vertical position, the display is position at the top part of the camera body while the vertical side now becomes horizontal side (see page 14, last paragraph of the specification).

Akihiro discloses LCD panel 8 is positioned at one side of the camera and when the camera is held in a vertical position, the LCD is positioned at the top part of the camera body.

Method claim 36 corresponds to apparatus claims 34 and 35 and is analyzed the same as discussed with respect to apparatus claims 34 and 35.

Art Unit: 2612

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akihiro in view of Yokoda (US 5,892,996).

With regard to claim 3, Akihiro discloses the same subject matter as discussed with respect to claims 1 and 2, except that the cover member is configured to be latched in the opening position and in the closed position, and to be spring biased.

Akihiro does not explicitly disclose any cover member is configured to be latched and spring-biased. However, Yokota teaches using slide cover 40 that can be latched and spring-biased by torsion spring 75, col. 6, lines 4-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the back cover member of Akihiro as the same fashion as disclosed by Yokota so as to obtain a back cover member is

Art Unit: 2612

configured to be latched in open and closed positions and spring-biased since the modification would allow easily to open and closes the cover and prevent the camera from opening and closing the cover unintentionally.

Claim 14 recites what was discussed with respect to claim 3.

Method claim 25 corresponds to apparatus claim 3 and is analyzed the same with respect to apparatus claim 3.

4. Claims 9, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akihiro in view of Kohmo et al (US 4,557,574).

With regard to claim 9, Akihiro discloses the same subject matter as discussed with respect to claims 1 and 5, except that the flash device is covered by the second cover device.

Akihiro does not explicitly disclose any flash device and its cover. However, Kohmo et al teaches (in Figs. 8 and 9) using flash unit 55 that is located adjacent to lens system 51 (col. 6, line 20); where the flash unit is covered by cover 60 when the cover is closed positioned as shown in Fig. 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the flash unit of Kohmo et al in the front camera of Akihiro so as to obtain a built-in flash device because the

Art Unit: 2612

built-in flash device would allow a user to readily to photograph any object image under any light conditions, particular in a low light condition.

In the combination, the location of the flash unit is adjacent to the lens system 6 of Akihiro; therefore, when the second cover is actuated to cover the lens, the flash is inherently covered.

Claim 20 recites what was discussed with respect to claim 9.

Method claim 31 corresponds to apparatus claim 9 and is analyzed the same with respect to apparatus claim 9.

5. Claims 10, 11, 21, 22, 32, and 33 are allowed.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will


Art Unit: 2612

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

Art Unit 2612